

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ROY WILMOTH, JR., *et al.*,

Plaintiffs,

v.

ALEX AZAR, in his capacity as Secretary of
the United States Department of Health and
Human Services,

Defendant.

Case No. 1:19-cv-03556

**[PROPOSED] ORDER GRANTING THE PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Having read Plaintiffs' Motion for Summary Judgment, after full consideration of the motion, the documentary evidence, arguments of counsel, all papers and pleadings submitted in this matter, and good cause appearing therefore, the Court finds under applicable rules and regulations, the Secretary of Health is collaterally estopped from relitigating the issue of TTFT coverage for Plaintiffs. Moreover, the Court finds that the Secretary's decisions by and through the Medicare Appeals Council denying coverage for TTFT are arbitrary and capricious and unsupported by substantial evidence.

IT IS HEREBY ORDERED that Summary judgment of coverage is HEREBY GRANTED in favor of Plaintiffs Roy Wilmoth, Jr., Maureen Piekanski, and Edwin R. Banks, and the case is hereby remanded to the Secretary with an order to provide coverage for these beneficiaries' TTFT claims.

SO ORDERED.

Dated: _____

Hon. _____
United States District Judge